

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Vitale & Associates, LLC,
Plaintiff
v.
Sue Lowden, et al.,
Defendants

Case No.: 2:12-cv-1400-JAD-VCF

**Order Adopting Report and
Recommendation, Directing Clerk to Tax
Costs, and Denying Motion for
Nontaxable Costs**

[ECF 109, 111, 119]

After this breach-of-contract action ended with the entry of summary judgment in defendant Sue Lowden's favor, she filed a bill of costs and moved for an award of nontaxable costs.¹ Plaintiff Vitale & Associates, LLC objected to the bill of costs and opposed Lowden's request for nontaxable costs.² Magistrate Judge Ferenbach considered the parties' submissions and, in a September 14, 2015, report and recommendation, he recommends that I treat the cost bill as a motion for costs and grant it, but deny Lowden's motion for nontaxable costs.³

Objections to this report and recommendation were due October 2, 2015, and none were received. "No review is required of a magistrate judge's report and recommendation unless objections are filed."⁴ Accordingly, with good cause appearing and no reason for delay,

IT IS HEREBY ORDERED that Magistrate Judge Ferenbach's Report and Recommendation [ECF 119] is **ADOPTED** and accepted in its entirety;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Sue Lowden's Bill of Costs [ECF 111] being treated as a motion under L.R. 54-13(b)(3), is **GRANTED**; plaintiff's objection [ECF

¹ ECF 109, 110 (original bill of costs), 111 (amended bill of costs).

² ECF 112, 113.

³ ECF 119.

⁴ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 **113] is OVERRULED.** The Clerk of Court is Directed to **tax costs of \$2,207.13 against plaintiff and**
2 **in favor of defendant Sue Lowden and amend the judgment to so reflect.**

3 IT IS FURTHER ORDERED that Lowden's Motion for Nontaxable Costs [ECF 109] is
4 **DENIED.**

5 DATED this 5th day of October, 2015

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9 Jennifer A. Dorsey
10 United States District Judge
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